

GOLDBERG & ASSOCIATES

ATTORNEYS AT LAW

39 BROADWAY - 17th Floor
NEW YORK, NEW YORK 10006

DANIEL J. FOX
Extension 119
dfox@g-alaw.com

(212) 968-2300
FAX (212) 968-2400
www.g-alaw.com

November 29, 2007

Via Facsimile to: 212-766-1131

Thomas M. DeSimone, Esq.
Joseph T. Mullen, Jr. & Associates
30 Vesey Street, 15th Floor
New York, NY 10007

RE: Julia Pichardo v. New York University
S.D.N.Y. - Docket No.: 07 civ 6034
Date of Loss: May 4, 2004
Our File No.: 40824

Dear Mr. DeSimone:

On September 21, 2007, I served your office with NYU's Demand for Production of Documents and Demand for Interrogatories in connection with the above referenced matter. More than sixty (60) days have elapsed, and Plaintiff has still not served responses to the demands. In addition, Plaintiff has still not served an initial Rule 26 Disclosure Statement.

The parties' depositions are presently scheduled for December 19 and pursuant to Magistrate Judge Dollinger's order, all factual discovery must be completed by December 31. However, other than two (2) authorizations, Plaintiff has thus far completely failed to provide any information in support of her claim. For example, Plaintiff apparently claims exacerbation of a prior condition, but has failed to provide any discovery which would substantiate such a claim.

In light of the foregoing, it would be both unreasonable and prejudicial to demand that the parties to conduct depositions and complete discovery during the month of December. As a preliminary matter, please make every effort to provide complete responses to the afore-described, outstanding discovery demands **on or before Friday, December 7**. In addition, I am recommending that we agree to extend all discovery deadlines and participate in a conference call with Magistrate Judge Dollinger in an effort to obtain the court's consent regarding a reasonable extension of time to complete discovery.

Thomas M. DeSimone, Esq.

November 29, 2007

Page -2-

This afternoon, I left a phone message for you with your firm's receptionist. It would be appreciated if you would respond and contact me at your earliest opportunity so that we may further discuss the matters set forth within this correspondence.

Sincerely,



DANIEL J. FOX